S.B.Cr.Misc. Bail App. No. 4690/2007

(Narsi Das & Ors. Vs. State of Rajasthan)

Date of order : 19/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kamal Deep Singh for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Learned counsel for the petitioners does not want to press the bail application filed on behalf of petitioner No.1 Narsi Das. The bail application filed on behalf of petitioner No.1 Narsi Das is therefore, dismissed as not pressed.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and challan papers. I have also carefully gone through the Parcha Bayan of the deceased and her statement recorded by Judicial Magistrate under Section 164 Cr.P.C.

In the Parcha Bayan it has been alleged that the father-in-law and mother-in-law of the deceased came and father-in-law poured the kerosene oil over the deceased and lit the fire. She wanted to run in order to save herself but the petitioner No.2 Vimla Devi @ Guddi caught hold her. In the statement recorded by the Judicial Magistrate, she categorically stated that it was father-in-law and mother-in-law who poured kerosene over her and father-in-law lit the match. So far as the petitioner No.3 Balkishan @ Balakishan is concerned, the allegation is that mother-in-law of deceased was of easy virtue and

petitioner NO.3 Balkishan was on visiting term which the deceased used to object.

Be that as it may, so far as the petitioner No.2 is concerned, there is clear involvement right from Parcha Bayan and statement recorded by the Judicial Magistrate. In my view, it is not a fit case to release the petitioner No.2 Vimla Devi @ Guddi on bail. The bail application filed by petitioner No.2 Vimla Devi @ Guddi therefore, also stands dismissed.

However, having regard to the facts and circumstances of the case and the fact that there is no specific overt act assigned to the petitioner NO.3, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner No.3 on bail.

Accordingly, this bail application filed by petitioner No.3 under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Balkishan @ Balakishan S/o Narayandas be released on bail in FIR No. 363/2007 P.S. Sangariya, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP